

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 558

Introduced by Assembly Member Feuer

February 21, 2007

An act to add Section 57021 to the Health and Safety Code, relating to toxic chemicals.

LEGISLATIVE COUNSEL'S DIGEST

AB 558, as amended, Feuer. Toxic chemicals: ~~use reduction~~: list.

Existing law authorizes a state agency, as defined, to request a manufacturer, as defined, of a chemical to provide the state agency with specified information regarding the chemical, including an analytical test method for that chemical in a specified matrix, the octanol-water partition coefficient and bioconcentration factor for humans for the chemical, and other information relevant to the fate and transport of the chemical into the environment.

This bill would require the Department of Toxic Substances Control to adopt a toxic or hazardous substance list consisting of the chemicals identified on the Toxic Chemical List established pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986, and the substances identified pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and to annually revise those listings.

The bill would authorize the department to also add or delete any additional substance from the toxic or hazardous substance list, pursuant to a specified procedure.

~~Existing law requires businesses handling specified amounts of hazardous materials to submit an inventory and a business plan to~~

~~administering agencies. A business is required to annually submit a completed inventory form containing information on the quantity and types of hazardous materials it handled to the administering agency of the county or city in which the business is located.~~

~~This bill would enact the Toxic Use Reduction Act of 2007, and would state the intent of the Legislature to enact legislation to significantly reduce the use of toxic chemicals.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 57021 is added to the Health and Safety
2 Code, to read:
3 57021. (a) For purposes of this section, the following
4 definitions apply:
5 (1) "Section 313 of EPCRA" means Section 11023 of Title 42
6 of the United States Code (Emergency Planning And Community
7 Right-To-Know Act of 1986).
8 (2) "Sections 101(14) and 102 of CERCLA" means Sections
9 9606(14) and Section 9602 of Title 42 of the United States Code
10 (Comprehensive Environmental Response, Compensation, and
11 Liability Act of 1980).
12 (b) The Department of Toxic Substances Control shall adopt a
13 toxic or hazardous substance list pursuant to this section consisting
14 of the chemicals identified on the Toxic Chemical List established
15 pursuant to Section 313 of EPCRA and the substances identified
16 pursuant to Sections 101(14) and 102 of CERCLA.
17 (1) The department shall annually revise the toxic or hazardous
18 substance list adopted pursuant to this section to add substances
19 consistent with changes in the Toxic Chemical List established
20 pursuant to Section 313 of EPCRA. The department may annually
21 revise the toxic or hazardous substance list to delete substances
22 consistent with changes in that list.
23 (2) The department shall annually revise the toxic or hazardous
24 substance list adopted pursuant to this section to add substances
25 consistent with changes in the substances identified pursuant to
26 Sections 101(14) and 102 of CERCLA. The department may
27 annually revise the toxic or hazardous substance list to delete

1 *substances consistent with any changes in those identified*
2 *substances.*

3 *(c) In addition to the substances required by subdivision (b),*
4 *the department may also add or delete any additional substance*
5 *from the toxic or hazardous substance list. The department shall*
6 *not add more than 10 substances in any one calendar year to the*
7 *list, and shall not delete more than 10 substances from the list in*
8 *any one calendar year.*

9 *(1) The department shall provide recommendations proposing*
10 *any additions or deletions made pursuant to this subdivision.*

11 *(2) A proposed change in the toxic or hazardous substance list*
12 *made pursuant to this subdivision shall not take effect until the*
13 *calendar year immediately following the year in which the*
14 *department makes the change.*

15 *(3) A substance added or deleted by the department pursuant*
16 *to this subdivision is not subject to the requirements of subdivision*
17 *(b).*

18 ~~SECTION 1. This act shall be known and may be cited as the~~
19 ~~Toxic Use Reduction Act of 2007.~~

20 ~~SEC. 2. It is the intent of the Legislature to significantly reduce~~
21 ~~the use of toxic chemicals among manufacturers and in the~~
22 ~~generation of toxic byproducts by enacting legislation that would~~
23 ~~assess a fee on manufacturers based on the quantity of individual~~
24 ~~toxic chemicals used. The fees collected would be used to fund~~
25 ~~technical staff within the Department of Toxic Substances Control~~
26 ~~to assist manufacturers with toxic reduction, grants for academic~~
27 ~~research into nontoxic alternatives to toxic chemicals, and~~
28 ~~enforcement staff with the Department of Toxic Substances~~
29 ~~Control.~~